IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

C.R.No.784 of 2006

DATE OF ORDER: 18.1.2007

Joginder Singh and Others

...Petitioner(s)

Versus

State of Punjab and Others

....Respondent(s)

CORUM : HON'BLE MR. JUSTICE M.M. AGGARWAL

.*.*.*.

Present: Mr. Padam Jain, Advocate.

Mr. Rupinder Khosla, Advocate.

Mr. M.S. Joshi, DAG, Punjab.

M.M. AGGARWAL,J

This is petition against order dated 4.2.2005 passed by Land Acquisition Collector i.e Respondent No.3 whereby Land Acquisition Collector had refused to refer the matter to District Judge under Section 18 of the Land Acquisition Act as the present petition was filed beyond prescribed period of limitation of six months.

Counsel for the petitioners relies on judgments of this Court reported in Lachhman Dass (Died) through Lrs v. Union of India and another, 2005(1) RCR (Civil), 77 and Jit Singh v. Land Acquisition

Collector, PWD, B&R Branch, Punjab Law Reporter, Vol XCIX (1991) 519 and argues that the Collector was bound to refer the matter to District Judge and point of limitation, if any was to be argued and taken before the District Judge.

No other judgment taking contrary view has been shown.

Under these circumstances, petition is allowed. Order dated 4.2.2005 passed by Land Acquisition Collector i.e Respondent No.3 is set aside. Let Collector refer the matter to the District Judge under Section 18 of the Land Acquisition Act and the matter regarding limitation be argued and decided by that Court.

January 18, 2007 (M.M. AGGARWAL)
manoj JUDGE